

CITY OF MARLBOROUGH MEETING POSTING

Meeting: **Planning Board**
Date: **October 21, 2019**
Time: **7:00 PM**
Location: **Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
OCT 17 P 2:50

Agenda Items to be Addressed:

- 1) **Meeting Minutes**
 - A. October 07, 2019
- 2) **Chair's Business**
 - A. Set Public Hearing Date – Council Order Number 19-1007738C, Proposed Zoning Amendment Section 650-8, 269 Mechanic Street. Proposed change from Limited Industrial to Residence B. (Assessor's Map 56, parcel 126, plus a small area behind the parcel within an easement area.)
 - i) Correspondence from Attorney Michael Norris
 - B. Set Public Hearing Date – Council Order Number 19-1007716A, Proposed Zoning Amendment, Section 650-7, entitled "Districts Enumerated"; Section 650-17, entitled "Table of Uses"; New Section, Section 650-40, entitled "Special Provisions Applicable to the Route 20 East (R20E) Zoning District.
 - C. Open Space/Recreation Plan Update
- 3) **Approval Not Required**
 - A. Engineering Review, ANR Application: Filomena Connor, Paul Connor, Paul DiTullio; Engineer: Connorstone Engineering, Inc. 10 SW Cutoff, Northborough, MA 01532; Description of Property : Middlesex South Registry of Deeds, Book 19669, Page 89; Book 20809, Page 350; Book 40262, Page 318; Book 40726, Page 371. Lots and description of property: Lots located between 297 DeSimone Drive & 23 LaRose Drive. **(Vote)**
- 4) **Public Hearings (None)**
 - 5) **Subdivision Progress Reports (City Engineer, Updates and Discussion)**
 - A. Goodale Estates- Kevin Gillis, Managing Director, Northborough Capital Partners, LLC
 - i) Subdivision road profile modification request
 - ii) Letter from Kevin Gillis regarding subdivision extension request (Blight Determination, Tax Status, Schedule)
Current expiration: 11-24-19
 - B. Howe's Landing- Release of Tripartite Agreement **(Vote)**
- 6) **Preliminary/Open Space /Limited Development Subdivision Submissions (None)**
- 7) **Definitive Subdivision Submissions (None)**
- 8) **Signs (None)**
- 9) **Informal Discussion (None)**
- 10) **Unfinished Business (None)**
- 11) **Calendar Updates**
- 12) **Public Notices of other Cities & Towns (None)**

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

October 7, 2019

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Phil Hodge, Sean Fay, George LaVenture, Chris Russ and Matthew Elder. City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, were also present.

1. Meeting Minutes

A. September 23, 2019

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to approve the minutes as amended (changed attribution on item 4B) and file the meeting minutes of September 23, 2019. Motion carried.

2. Chair's Business

A. Boroughs Loop Trail Grand Opening

Chair Fenby informed that Board that the Loop Trail kick-off was held the past weekend. The events were well attended, and she expressed enthusiasm for the project and work by Marlborough and the surrounding communities. (The 33-mile trail links existing trail systems in Marlborough, Northborough, Westborough and Southborough and includes a mix of wooded walking and aqueduct trails.) She complimented the creativity of the City's Conservation Officer, Priscilla Ryder, who coordinated the trail opening with a ceremonial garden shear grape vine cutting.

3. Approval Not Required

A. ANR Application: Filomena Connor, Paul Connor, Paul DiTullio; Engineer: Connorstone Engineering, Inc. 10 SW Cutoff, Northborough, MA 01532; Description of Property: Middlesex South Registry of Deeds, Book 19669, Page 89; Book 20809, Page 350; Book 40262, Page 318; Book 40726, Page 371. Lots and description of property: Lots located between 297 DeSimone Drive & 23 LaRose Drive.

Mr. Paul DiTullio of 274 Brigham St., Marlborough presented the plan on behalf of his family. The lots shown on the plan are part of approximately 7 acres of land purchased by his mother and father in the 1980s. The family is selling the two house lots and reconfiguring the land to add an additional lot. Ms. Fenby asked if all the lots are considered buildable. Mr. DiTullio answered yes. They are creating three new building lots fronting DeSimone Drive (previously there were two) in addition to reworking lot lines of two existing home lots. He explained that driveways and a basketball court were situated without regard to property lines, since the land was under common family ownership. There will still be driveway easements on Lot 1 and Lot 2, but reconfiguration of the lot lines will enable the barn driveway to fit on Lot 4 at 23 LaRose, and include the basketball court in Lot 5 at 297 DeSimone Dr. Both existing home lots are under purchase and sale agreements. Mr. Fay asked if there is a consideration to subdividing the 5-acre parcel at 23 LaRose. Mr. DiTullio said the lot is being sold as-is. The family is not interested in subdividing the land, but it could be at some point.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to refer the matter to Engineering for review and recommendation. Motion carried.

4. Public Hearings

A. Council Order 19-1007756, Proposed Zoning Amendment Section 650-5 (B), entitled "Definitions; word usage", relative to the definition of Home Office/Home Occupation. Councilor Joseph Delano.

Chair Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance.

The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

Ward 1 City Councilor Delano presented the proposed amendment. Mr. Delano explained that the previously introduced zoning amendment regulating home offices/home occupations and contractor storage yards did not come to a Council vote. Lacking a means to classify home office businesses ("home office" is not included in the "Table of Uses" 650-17), the Building Commissioner has been unable to sign the business certificate affidavit for these entities. Adding these definitions will enable the City to clear the business certification backlog.

Speaking in Favor:

No person spoke in favor of the proposed amendment. Ms. Fenby closed that portion of the hearing.

Speaking in Opposition:

No person spoke in opposition to the proposed amendment. Ms. Fenby closed that portion of the hearing.

Questions and Comments from Board Members:

Mr. Fay felt the following language was imprecise: *"provided that not more than three persons are engaged in the activity on the premises at any one time."* He questioned who the "three persons" referred to... Does it mean employees? Customers? What about independent contractors? On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to send a favorable recommendation to the City Council on the proposed order No. 19-1007756, with the further recommendation to add this clarifying language- *"provided that not more than three employees, business owners or independent contractors are engaged in the activity on the premises at any one time."* Motion carried.

5. Subdivision Progress Reports (City Engineer, Updates and Discussion)

A. Subdivision Status Report

Goodale Estates: City Engineer DiPersio said there aren't many updates since the last meeting. Goodale is moving slowly. Mr. DiPersio explained that Engineering provided written communication outlining necessary action items to Mr. Gillis and his appointed site manager, Mr. Quigley. To date, Engineering has not received reciprocal communication. To review...Before paving can occur, there must be a confirmation of grades, verification of proper subbase and verification of adequate coverage over site utilities. Ms. Fenby would like Engineering to provide a copy of Engineering's communication to the Board so the questions can be addressed with Mr. Gillis at the next Planning Board meeting. Mr. Russ asked what additional work has been done on the site. Mr. DiPersio said that some electrical and utility work was done. Mr. Fay asked Mr. DiPersio if he thought the road was going to go in this year. Mr. DiPersio answered that hope was fading. Mr. LaVenture took site photos that were shared with the Board. Mr. DiPersio pointed out the relevant site features including the temporary access road and detention basin. Mr. Gillis is expected at the next Planning Board meeting on October 21.

Howe's Landing : Acceptance Process is underway. The draft Council Order for the acceptance of the street and municipal easements is on the October 7 City Council agenda. In addition to the 9-23-19 vote reducing the bond to zero, Attorney Galvani requested release from the Tripartite agreement. The Solicitor's office is reviewing the document for proper legal form for the next meeting, Oct. 21.

6. Preliminary/Open Space /Limited Development Subdivision Submissions (None)

7. Definitive Subdivision Submissions (None)

8. Signs

- A. Application for Sign Appeal/Variance - Jason Parillo, Poblocki Sign Company, 4 Industrial Park Road, Medway, MA 02053, on behalf of Doble Engineering, 123 Felton St., Marlborough, MA 01752

Mr. Parillo was present to appeal the denial of a 4th flat wall sign at 123 Felton St. According to the denial letter by Code Enforcement Officer, Pam Wilderman, only a total of 100 square feet of flat wall signage is allowed. Mr. Parillo's application exceeded this standard by 54 square feet. Mr. Parillo showed a site plan overview of the proposed sign locations. Three of the flat wall signs were placed over three entrances on the Felton St. side of the building. The 4th sign is proposed as an illuminated 61.24 square foot sign on the Interstate 495 side. The view of the sign from 495 was depicted in a slide prepared for the Board's review. According to Mr. Parillo, the sign's primary function is wayfinding.

Board members asked whether any alternatives were explored, for example, eliminating any flat wall signs on the other side of the building. They wondered whether each entrance served a different function that required identification. Mr. Parillo stated the three signs were the same and were at each entrance. The 4th sign provides visibility from Interstate 495, and according to the applicant, is not visible from any residence. A street view of the proposed sign location was viewed from GIS. Mr. Elder made an initial motion to approve the request for the sign variance. Discussion continued.

Mr. LaVenture offered the following viewpoint: We have a sign ordinance with rules that drive standardization, not entropy. Without compelling reasons to grant the variance, we are not supporting that function. GPS and cell phone apps do an excellent job of wayfinding. Mr. LaVenture asked what part of the sign ordinance Mr. Parillo could point to that would allow for this variance. There has been no hardship or conditions presented that would impede business that could only be remedied by the variance. Mr. LaVenture added that granting a variance provides no beneficial value to the city [in the sense of health, safety, and welfare of the public], and other remedies previously mentioned were available to his client [such as eliminating repetitive signage to conform with the ordinance], a variance seemed unwarranted.

Mr. Parillo was not familiar with Doble's inner workings or possible hardships resulting from the denial, but he was willing to explore conditions of use, such as reducing the hours of illumination or modifying the colors. Mr. Russ commented that ADP, a previous tenant, had signage on 495. This signage was not very noticeable. Ms. Fenby stated that 495 in Marlborough has a much more pleasant look than the interstate view in Framingham. Signs can detract from that appeal. Mr. Fay asked whether the Board had previously granted a similar variance. He recalled previous variances were granted for safety concerns or because of some unique aspect of the location. Councilor Robey was present and stated that a variance had been granted to the hotel on Forest St. to allow visibility from 495. This was granted as part of a special permit application process. Ms. Fenby asked whether members were ready to take a vote.

Mr. Elder motioned that the Planning Board grant the requested variance for a 4th flat wall sign at 123 Felton St. The motion was seconded by Mr. Fay. The motion did not carry.

9. Informal Discussion (None)

10. Unfinished Business

- A.** Public Hearing Continued- Council Order 19-1007738 Proposed Zoning Amendment to Chapter 650 Section 8, Boundaries Established; Zoning Map, Rezoning of 269 Mechanic St., Assessor's Map 56-125. Law Office of Michael J. Norris.

Ms. Fenby referred to item 10A and the 10-2-19 letter from Attorney Michael Norris to City Council President Clancy. Based on the 269 Mechanic St. building encroachment into the rail trail, the proposed zoning amendment will require modification of the area requested for inclusion in the proposed amendment.

Councilor Ossing was present, and he confirmed that the letter will appear on the Council agenda. He anticipates the City Council will refer the modified amendment back to the Planning Board for recommendation. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the letter.

The Board will continue the public hearing and take no action at this time. Ms. Fenby requests that Attorney Norris communicate his research with the Board. Mr. Fay expressed his generally favorable impression of the proposed amendment, commenting that the zoning change is consistent with the surrounding neighborhood.

11. Calendar Updates

12. Public Notices of other Cities & Towns

A. Town of Sudbury, 1 Notice

B. City of Framingham, 12 Notices

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the notices. Motion carried.

Ms. Fenby asked whether members needed to see the public notices from other cities and towns in their hard copy packets. It was suggested that the notices appear in the electronic packet but be omitted from the hard copy packets. Ms. Fenby suggested Ms. Holmi ask the City Solicitor to confirm the Board's legal obligations with respect to these notices.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting of the Planning Board. Motion carried.

Respectfully submitted,

/kih

George LaVenture/Clerk



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial be rezoned as Residential B as it is contiguous to the Assessors Map 56, Parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B and a parcel containing 432 s. f. to the rear of the building on land known as the Assabet River Rail Trail currently owned by the City of Marlborough be rezoned to Residential B. The area to the rear of Map 56, Parcel 125, being a rectangle parcel 4.40' on the northerly side to and 1.86' on the southerly side a distance of 142.39'.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, OCTOBER 28, 2019.**

ADOPTED

ORDER NO. 19-1007738C

Law Office of Michael J. Norris

171 Locke Drive, Ste. 108
Marlborough, MA 01752
Telephone: (508) 624-7733
Facsimile: (508) 229-2600

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT -2 P 1:46

Michael J. Norris
mnorris@mjnattorney.com

October 2, 2019

Edward Clancy, President
Marlborough City Council
City Hall 140 Main Street
Marlborough, MA 01752

**Re: Rezoning of 269 Mechanic Street
Assessors Map 56-125
Assessors Map shown as Assabet River Rail Trail, area to the rear of the
property line containing 432 s.f.**

Dear Edward Clancy, President,

Renato Fontes has entered into a Purchase and Sales Agreement with the current owner of the above property, Carmi Greb, LLC. Renato Fontes is seeking to petition the City Council to rezone the portion of land off 269 Mechanic Street as identified on Assessor's Map 56, Parcel 125. Renato Fontes previously submitted a request to rezone this parcel. Subsequently it was discovered that a small portion of the rear of the building is located in the Assabet River Rail Trail and needs to be rezoned to Residential B. I have attached a plan showing the area to be rezoned shown as area "A". This land was previously owned by the MBTA who granted a prior owner an easement over its property, which cured the title problem. These parcels are currently zoned Limited Industrial. The portion of the property that runs from Mechanic Street to the rear portion of the property is currently zoned Residential B. The petitioner seeks to rezone the portion of the property zoned Limited Industrial to Residential B. This would make the entire parcel zoned Residential B. This property is contiguous with other properties on Mechanics Street which are zoned Residential B. This will maintain a consistent use pattern for the subject area. I would suggest the following language for the zoning amendment to read as follows:


That rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors map 56, parcel 125 presently zoned Limited Industrial be rezoned as Residential B as it is contiguous to the Assessors map 56, parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B and a parcel containing 432 s.f. to the rear of the building on land known as the Assabet River Rail Trail currently owned by the City of Marlborough be rezoned to Residential B. The area to the rear of map 56, parcel 125,

being a rectangle parcel 4.40' on the northerly side to and 1.86' on the southerly side a distance of 142.39'.

The change in zoning will allow Renato Fontes to seek a special permit from the City Council to change the use of the property and to develop residential condominiums.

Thank you for your consideration and assistance with this rezoning effort. We look forward to this matter being placed on the October 2019 City Council agenda and remain available to provide and present support for this rezoning effort.

Very truly yours,



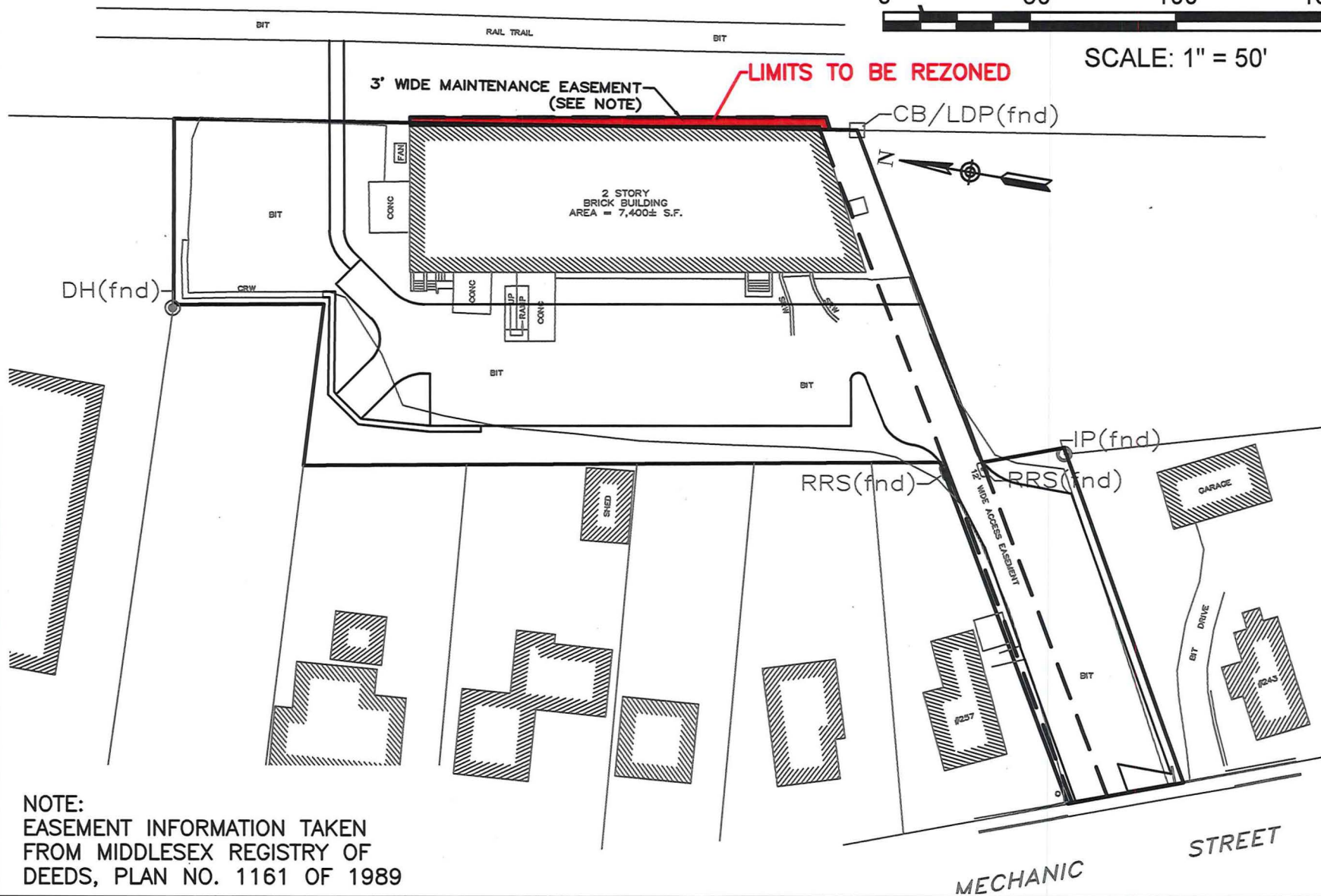
Michael J. Norris, Esq.

MJN/clr

cc: Renato Fontes
Carmi Greb, LLC



SCALE: 1" = 50'



NOTE:
EASEMENT INFORMATION TAKEN
FROM MIDDLESEX REGISTRY OF
DEEDS, PLAN NO. 1161 OF 1989

PREPARED BY:



Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, Massachusetts
ph: (508) 480-0225 fax: (800) 832-5781

TITLE:

REZONING EXHIBIT
MECHANIC STREET GARDEN CONDOMINIUMS
269 MECHANIC STREET
MARLBOROUGH, MASSACHUSETTS

APPLICANT:

RENATO FONTES
134 MAIN STREET - UNIT 7
STONEHAM, MASSACHUSETTS 02180

FILE NO.:

3645 SITE PLAN ZONING
EXHIBIT
PROPERTY EXHIBIT

DATE:

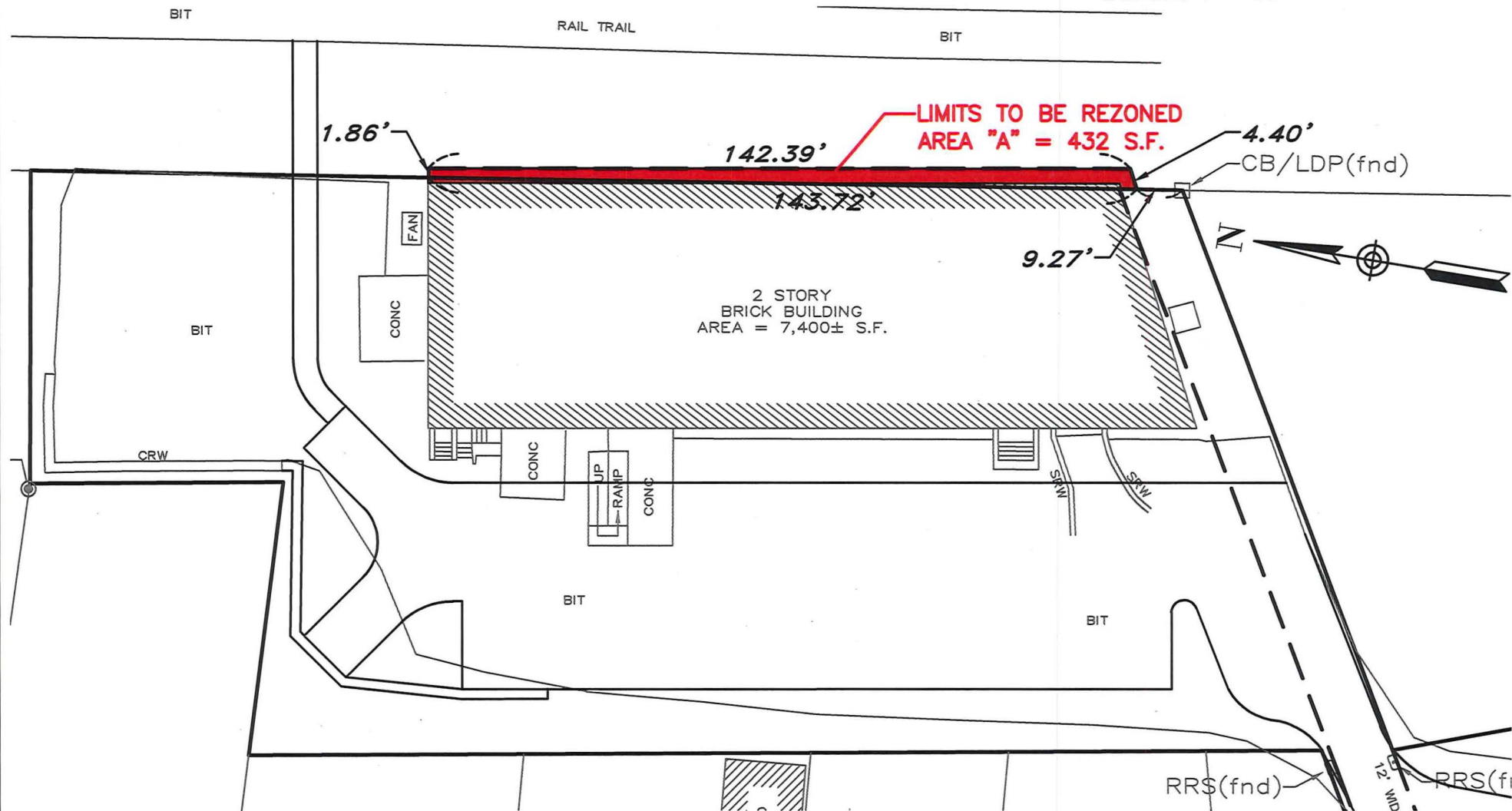
OCT. 1, 2019

PLAN NO.:

1 of 2



SCALE: 1" = 30'



PREPARED BY:



Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, Massachusetts
ph: (508) 480-0225 fax: (800) 832-5781

TITLE:

REZONING EXHIBIT
MECHANIC STREET GARDEN CONDOMINIUMS
269 MECHANIC STREET
MARLBOROUGH, MASSACHUSETTS

APPLICANT:

RENATO FONTES
134 MAIN STREET - UNIT 7
STONEHAM, MASSACHUSETTS 02180

FILE NO.:

3645 SITE PLAN ZONING
EXHIBIT
PROPERTY EXHIBIT (2)

DATE:

OCT. 1, 2019

PLAN NO.:

2 of 2



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

PAGE 1

That the Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 28, 2019.**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE MASSACHUSETTS GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Section 650-7, entitled "Districts Enumerated," is hereby **amended** as follows:
 - (1) By deleting from the first sentence the number "13" and by inserting in place thereof the number "14".
 - (2) By inserting at the end of the list of District types, the following:
Route 20 East Zoning District R20E.
- II. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled "Table of Uses," by **inserting** the highlighted portions and text of Exhibit "A" attached to this order, inserting under the heading entitled "Zoning District Abbreviations" a new zoning district abbreviation as follows: "R20E", and beneath the new district abbreviation R20E column the text as shown on said Exhibit "A".
- III. Chapter 650 is hereby amended by **inserting** a new §40, entitled "Special Provisions Applicable to the Route 20 East Zoning District (R20E)", as follows:

§ 650-40. Special Provisions Applicable to the Route 20 East Zoning District (R20E)

Within the Route 20 East Zoning District (R20E), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this section shall apply.

- A. **Purpose and vision.** The purpose of the Route 20 East Zoning District is to encourage compact mixed-use development that encourages walking and biking with development that will enhance compatible land uses and encourage desired growth patterns to improve a traditionally automobile-oriented commercial corridor for the benefit of public health, safety and welfare, by promoting integrated, pedestrian-friendly, commercial mixed-use development including retail, housing, and workplaces within close proximity to each other that are consistent with the stated economic development objectives of the City, contribute to enhanced streetscape, and designed to further promote livability and quality of life within the district.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

PAGE 2

ORDERED:

(1) Commercial mixed-use development.

- (a) For the purposes of this Zoning District, a commercial mixed-use development shall include any eligible use set forth in Subsection E below, which shall be commingled into a single structure or multiple structures with other eligible uses on the same property. Accordingly, commercial mixed-use developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking area and driveway curb cuts, to reduce automobile trips and traffic congestion, and accordingly to improve air quality.
- (b) All developments shall be designed to be pedestrian-friendly and that shall include site design, building layout, and pedestrian circulation features and amenities in compliance with the design standards of this Zoning District. Pedestrian-friendly developments shall benefit the public health, safety and welfare, through the encouragement of walking and physical activity.

B. Site plan review. Projects within the Route 20 East Zoning District shall be subject to site plan review as provided in § 270-2, entitled "Site plan review and approval," of the Marlborough City Code.

(1) Applicability.

- (a) In all instances, a development which proceeds within the Route 20 East Zoning District is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code.
- (b) Site plan review applies to both as of right and uses available by grant of a special permit within the Route 20 East Zoning District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas. [See § 270-2(3).]
- (c) Site plan review shall be conducted administratively, as provided in § 270-2, except for multifamily uses, hotel uses, and for those projects over 10,000 square feet, which projects shall undergo administrative site plan review with final review and approval by the City Council.
- (d) The City Council may elect to vary the dimensional and parking requirements of this section by site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

PAGE 3

- C. **Special permit granting authority.** The City Council shall be the special permit granting authority within the Route 20 East Zoning District.
- D. **Exclusivity/control.** This section of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the Route 20 East Zoning District and supersedes any other provision of the Zoning Ordinance. In the event of any conflict between the provisions of this section and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- E. **Eligible uses.** Except as specifically provided herein, any uses which are not permitted, whether as of right or by a special permit, within the Route 20 East Zoning District (R20E) under § 650-17, Table of Use Regulations, of the Zoning Ordinance, shall be prohibited. Uses allowed as of right and uses allowed by special permit are encouraged to be combined as a commercial mixed-use development. All uses noted as not permitted shall be deemed prohibited, except where to so deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation, permit or license, or any state or federal law or regulation.
- F. **Dimensional requirements.** Dimensional requirements are set forth in § 650-41, Table of Lot Area, Yards and Height of Structures," as specified for the R20E. The special permit height of 85 feet shall step down to 52 feet when the building is within 50 feet setback from a property line that abuts a residential district.
- G. **Parking, curb cut and landscaping requirements.** Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform with the provisions of § 650-47, § 650-48 and § 650-49 of the Zoning Ordinance.
 - (1) **Parking locations.**
 - (a) Parking shall be located to the side and/or rear of all new building structures that front on Route 20 East, an existing connecting street, or a new internal access street.
 - (b) Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

PAGE 4

- (2) **Parking access.** Where a proposed parking lot is adjacent to an existing parking lot of a similar use, providing vehicular and pedestrian connections between the two parking lots shall be required. This access shall allow vehicular circulation between parking areas without the need to travel on Route 20. This access shall allow the unobstructed flow of pedestrians between adjacent properties, businesses, and parking areas. A sidewalk shall be provided on at least one side of the driveway.
- (3) **Parking requirements.** Parking in the R20E shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.
- (4) **Curb cuts.** Curb cuts shall be minimized. To the extent feasible, vehicular access shall be provided through one of the following methods:
 - (a) Through the use of a common driveway serving multiple lots, or
 - (b) Through the use of an existing side or rear street.

H. Design standards. In addition to the following design standards which apply to all developments within the Route 20 East Zoning District, Route 20 East commercial mixed-use development that includes residential development shall incorporate design guidance from the City of Marlborough Multifamily Development Review Criteria and Design Guidelines as adopted by the City Council.

- (1) **Site layout**
 - (a) **Site and building layout.** Buildings shall be located in close proximity to streets with the primary building frontage(s) oriented to street frontage(s) and to define outdoor spaces in coordination with adjacent buildings located on the same property or abutting property.
 - (b) **Site and parking layout.** Parking shall be located to the rear or to the side of buildings that front on a street. Where an existing parking lot is in front of a building that will be redeveloped, landscaping shall be placed to screen parking and enhance the visual appeal of the site and street frontage. Where a new parking lot is to the side or rear of a building, but adjacent to a street, landscaping shall be used to screen the parking and reduce the visual impact of the parking as viewed from the street.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

PAGE 5

ORDERED:

- (c) Site buffer. The setback abutting an existing residential or industrial use shall include landscape plantings and features that screen and separate adjacent residential or business uses from new commercial mixed-use development. This requirement does not need to be provided where adjacent to an existing commercial mixed-use development, retail, or restaurants.
- (2) Pedestrian and bicycle circulation
- (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to promote pedestrian and bicycle circulation and safety. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access. Where parking is located to the rear of the building, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.
 - (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, and parking areas to Route 20 and between adjacent sites.
 - (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.
- (3) Outdoor Pedestrian Spaces
- (a) Useable Outdoor Pedestrian Space. Buildings and site features shall be arranged to create functional public and private outdoor spaces, including sidewalks, patios, entryways, courtyards, and other types of spaces. Useable and accessible outdoor pedestrian space shall be provided and integrated with the site plan and building design. Such outdoor pedestrian spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation. Outdoor pedestrian spaces shall be set back from major vehicular ways and be of a scale that is appropriate to the anticipated level of foot traffic.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

PAGE 6

(b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with outdoor pedestrian spaces. Outdoor pedestrian spaces and seating areas shall be oriented to street frontage, with side streets and secondary access streets the preferred locations and integrated with the streetscape. Amenities and seating shall not reduce the required sidewalk widths or impact pedestrian or bicycle circulation.

(4) Building design

(a) Mixed-uses. Route 20 East Zoning District shall benefit from mixed-use development that combines several uses that are allowed as of right or by special permit in the district. These uses could be provided in a cluster of separate buildings or combined vertically in a single building. A mix of uses in close proximity shall be used to create smaller, walkable clusters that enhance the Route 20 East corridor and provide opportunities for residents and patrons to circulate between uses without the use of a vehicle.

(b) Façade step back. A step back in the façade of a building shall occur at the upper floor(s) for all buildings above 3-stories in height. For example, the fourth story of a 4-story building shall be recessed from the lower 3-stories of the primary façade with a step back. Or, the fourth and fifth story of a 5-story building shall be recessed from the lower 3-stories of the primary façade with a step back. 5 feet shall be the minimum step back.

(c) Multiple buildings. In mixed-use developments with multiple buildings, recurring forms and materials shall be used to unify the development while establishing an overall hierarchy of buildings for visual interest and orientation.

(d) Define corners. Prominent corners of sites and buildings should be defined and celebrated by the layout and design of the building(s). Prominent building corners may use design elements such as towers, arches, unique building massing, or roof forms to serve as identifiable and memorable landmarks.

(e) Roof forms. Gable, hip, mansard, gambrel, stepped, and peaked roofs add variety and interest to buildings and shall be incorporated into mixed-use developments. Flat roofs may be incorporated into the roof design with other roof forms and features.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

PAGE 7

ORDERED:

- (f) Blank walls. Large portions of building facades which are unarticulated or blank walls shall be avoided through the careful placement of doors, windows, façade features, and transitions in façade materials and finishes.
- (g) Design quality. Building massing and façade design shall be of a high quality with well composed and articulated building forms using a variety of techniques to create visual interest and character with architectural details, vertical and horizontal projections and recesses, changes in height, roof forms, cornice treatments, pilasters, window reveals, materials, colors, and prominent building entrances or other design features.
- (h) Building materials. Use of traditional, natural, and sustainable building materials such as wood, brick, and stone shall be preferred over other synthetic materials.

I. Signage.

- (1) Except as otherwise provided in this section, signage shall conform to the provision of Chapter 526 of the City Code, the Sign Ordinance.
 - a. Sign quality. Signs and sign locations shall be an integral part of a high-quality development, designed to be consistent with the scale and style of the associated buildings. Sign design and materials shall relate to the building and site elements.
 - b. Integrated signs. Signs mounted on buildings shall be integrated with the architectural design of the building and should not be located to cover or obscure architectural elements. The building design should offer an integrated location on the building façade to receive signs. For buildings with multiple tenants, a consistent and integrated location on the building façade should be designed to receive signs for each separate tenanted space.
 - c. Awnings. Awnings, trellises, or canopies are encouraged above windows, doors, and entrances to provide shade and architectural relief from flat facades while providing an alternative location for signage.

J. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Route 20 East Zoning District shall comply with the requirements of § 650-59 of the Zoning Ordinance.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019
PAGE 8

ORDERED:

- (2) Site plan approval. An application for site plan approval in the Route 20 East Zoning District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

K. Site plan; Special Permit approval review criteria.

- (1) Review criteria. The City Council in connection with a special permit and/or site plan application in the Route 20 East Zoning District shall review such applications with respect to the following review criteria:
 - (a) Compliance of the design with the Design Standards in the above subsection H;
 - (b) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (c) Scale of buildings relative to surroundings and relative to City of Marlborough Multi-family Development Review Criteria and Design Review Guidelines;
 - (d) Quality of design and materials for building facades visible from public ways;
 - (e) Quality of design and materials for public space; and
 - (f) Placement of utilities and wiring underground, to the extent practical.
- (2) Submission requirements:
 - (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, open space;
 - (b) Building elevations;
 - (c) Landscape plan;
 - (d) Lighting plan with photometrics; and
 - (e) Site and building signage plan.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

PAGE 9

ORDERED:

- (3) Public presentation. Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

L. Standards for roadways and drainage.

- (1) Roadways. Internal Route 20 East Zoning District roadways shall be private ways and shall be maintained by owners/developers of the Route 20 East Zoning District and portions thereof. Private ways within the Route 20 East Zoning District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. Developments proposed in the Route 20 East Zoning District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.

M. Amendments. After approval, the owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the surrounding neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3) of § 650-59.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019
PAGE 10

ORDERED:

- IV. Chapter 650 is hereby amended by **inserting** into 650 Attachment 2 (§ 650-41), entitled "Table of Lot Area, Yards and Height of Structures," the text as shown in highlighted format in Exhibit "B" attached hereto.
- V. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit "C"). The newly established R20E shall include all or portions properties as shown in highlighted format on the Map as existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

74-2A	73-54	59-17A	60-24
73-15A	72-29A	59-16	60-31A
73-43	72-29	59-4	61-3
72-36	73-54A	59-4F	60-30A
72-28	72-13	59-4D	61-12
73-24	72-30	59-4E	61-6
73-701	72-35	59-4C	60-31
73-26	73-59	59-4B	61-2
72-16B	73-31B	59-11A	61-5
73-42	73-57	59-5B	61-19
73-41A	73-44	59-5A	74-2
73-41	73-33	59-5	61-18
73-21	73-55	59-5C	61-25B
73-39D	73-39B	72-31	61-31
73-22	73-700	60-26	61-22A
73-20	73-35	60-38	62-14
73-16	74-4	60-25	61-22
73-23	73-39A	60-27	61-30
73-25	73-37A	60-28	61-25A
73-40	74-3A	60-29	61-23
73-17	74-3	73-56	61-25
73-26A	73-36	73-30	61-21
73-35A	73-38	74-5	61-34
73-31A	73-37B	73-31	61-20
73-39C	73-37	61-27	61-2A
73-32	59-18	73-58	61-17
73-27	59-12	61-27A	61-17A
72-15	59-17C	59-8	62-20
73-29A	59-11	60-1	62-23
73-28	59-17B	59-10	62-2
72-14	59-17	59-14	62-21



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019
PAGE 11

ORDERED:

61-28	59-7	62-2A	61-7
62-2B	59-9	61-9A	62-22
62-13	61-10	61-15	48-32
61-29	61-8	61-32	
61-29A	61-1	62-1	
61-701	61-14	61-700	
62-24	61-28A	61-9	

VI. The effective date of these amendments shall be the date of their passage.

ADOPTED

ORDER NO. 19-1007716A

EXHIBIT A**ZONING***650 Attachment 1*

08 - 13 - 2019

*Excerpt of Table of Use Regulations, including Route 20 East***ALL ZONING DISTRICTS ARE NOT SHOWN****City of Marlborough****Table of Use Regulations****(§ 650-17)****KEY:**

All uses noted with "Y" are allowed as of right, subject to any referenced conditions.

All uses noted with "SP" are allowed by special permit, subject to any referenced conditions.

All uses noted with "N" are not permitted.

	Zoning District Abbreviations				
	Existing Zones				
	RCR	B	LI	NB	R20E
Residential Use					
Single-family	Y	N	N	N	N
Single-family, attached (1)*	N	N	N	N	N
Conversion of detached one-family to a two-family (2)	N	N	N	Y	N
Two-family homes	N	N	N	Y	N
Conversion of a two-family dwelling to a three (3)	N	SP	N	SP	N
Multifamily dwelling (4) (42)	N	SP	N	SP	SP (Note: only as part of a "Mixed use development")
Comprehensive developments (§ 650-27)	Y	Y	Y	Y	Y
Boarding and lodging homes	N	SP	N	N	N
Tourist home\bed-and-breakfast	N	N	N	Y	N
Open space development (§ 650-28)	N	N	N	N	N
Trailer mobile homes (5)	SP	SP	SP	N	N
Retirement Community Overlay (§ 650-22)	N	N	SP	N	N
Residential accessory uses (6)	Y	Y	Y	Y	N
Customary home occupations (7)	Y	Y	Y	Y	Y
Yard sales, charitable sales bazaars (8)	Y	Y	Y	Y	Y

* (Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for use as noted in the Table of Uses.)

MARLBOROUGH CODE

	Zoning District Abbreviations				
	Existing Zones				
	RCR	B	LI	NB	R20E
Two residential structures on a lot less than 80,000 square feet (9)	N	N	N	N	N
Artist studio/live/work gallery space	N	N	N	Y	Y
Recording studio/live/work space	N	N	N	Y	Y
Assisted living facilities (44)	N	N	N	N	N
Business Uses					
Convert buildings to office, bank, insurance use (18)	N	N	N	Y	Y
Commercial kennels and animal hospitals	N	N	N	N	N
Veterinary hospital	N	N	N	SP	N
Commercial kennels	N	Y	N	N	N
Riding academy	N	SP	N	N	N
Retail sales and services <75,000 square feet gross floor area (19) (43)	N	Y	SP	Y	Y
Retail sales and services >75,000 square feet gross floor area (19) (43)	N	SP	SP	N	SP
Offices, banks, insurance and financial institutions	N	Y	Y	Y	Y
Schools, for business, trade, music, dance, and television\or radio broadcasting studios (but not including towers)	N	Y	N	Y	Y
Commercial radio and television towers and wireless communications facilities (20)	N	SP	SP	SP	SP
Hotels (41)	N	SP	SP	SP	N
Hotels <100 rooms					SP
Hotels with conference facilities and commercial uses (21)	N	SP	SP	N	N
Residential conference and training center with food and recreation services (22)	N	N	Y	N	N
Recreation center (23)	N	N	SP	Y	SP
Private clubs, nonprofit	N	SP	N	N	N
Clubs (24)	N	Y	N	Y	N
Self-service laundry	N	Y	N	Y	SP
Medical office/clinic	Y	Y	N	Y	Y
Dental clinics	Y	Y	N	Y	Y

ZONING

	Zoning District Abbreviations				
	Existing Zones				R20E
	RCR	B	LI	NB	
Consumer service establishments	N	Y	N	Y	Y
Salesroom	N	N	N	SP	N
Wholesale office or showroom	N	N	N	N	N
Wholesale sale and warehousing	N	N	N	N	N
Commercial greenhouse	N	Y	Y	SP	N
Motels	N	SP	SP	N	N
Mixed use development (42)	N	SP	N	SP	SP
Brew pubs	N	SP	N	Y	Y
Copy shops, newspaper offices	N	Y	N	Y	Y
Place of repair for cars, boats, trucks and farm equipment (25)	N	N	N	N	N
Places of assembly	N	SP	N	SP	N
Outdoor recreation uses	N	SP	SP	SP	N
Outdoor storage (26)	N	Y	SP	N	N
Car parking lots, garages (27)	N	SP	N	N	SP
Gasoline filling stations (28)	N	SP	N	N	N
Auto service facilities for minor repairs, changing tires and lubrication (28)	N	SP	N	N	N
Auto sales and service (25)	N	N	N	N	N
Car wash (28)	N	SP	N	N	N
Open air markets (29)	N	SP	N	N	N
Shopping malls	N	N	SP	N	SP
Soil removal (30)	Y	Y	Y	Y	N
Accessory uses	Y	Y	Y	Y	N
Funeral homes, parlors and mortuaries	N	N	N	Y	N
Public, private or commercial recreation establishments, recreation grounds or places of amusement	N	SP	SP	SP	N
Restaurant, cafe	N	Y	SP	Y	Y
Restaurant with drive-in or drive-thru facilities (31)	N	SP	N	SP	N
Restaurants serving food outdoors (31)	N	Y	SP	Y	Y
Restaurants for employee use	N	N	Y	N	Y
Drive-thru facilities	N	SP	N	N	N
Adult bookstore (32)	N	N	N	N	N

MARLBOROUGH CODE

	Zoning District Abbreviations				
	Existing Zones				R20E
	RCR	B	LI	NB	
Adult video store (32)	N	N	N	N	N
Adult paraphernalia store (32)	N	N	N	N	N
Adult movie theatre (32)	N	N	N	N	N
Adult live entertainment establishment (32)	N	N	N	N	N
Tattoo and body piercing parlors and shops (32)	N	N	N	N	N
Narcotic detoxification and/or maintenance facility		N	SP	N	N
Medical marijuana treatment center	N	N	N	N	N
Agriculture, Public, and Institutional Use					
Agriculture, horticulture or floriculture >5 acres (10)	Y	Y	Y	N	N
Forest, woodlots, portable, woodworking mills (11)	N	N	N	N	N
Livestock farms > 10 acres (12)	N	N	N	N	N
Farms and poultry farms (13)	Y	N	N	N	N
Cemeteries	N	N	N	N	N
Hospitals and sanitarium	N	N	N	N	N
Correctional institutions	N	N	N	N	N
Golf courses, country clubs and beaches (14)	N	N	N	N	N
Charitable and philanthropic buildings	N	N	N	SP	N
Churches and religious buildings (15)	Y	Y	Y	Y	Y
Public recreation and conservation	N	N	N	Y	N
Day camps	N	SP	N	N	N
Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds	Y	Y	Y	Y	Y
Child-care centers (16)	N	Y	Y	Y	Y
Public utilities, not including storage yards or repair shops	Y	Y	Y	Y	N
Public buildings (17)	Y	Y	Y	Y	Y
Water towers, reservoirs	Y	Y	Y	Y	N
Floodplain and Wetland Protection District (§ 650-23)	Y	Y	Y	Y	Y

ZONING

	Zoning District Abbreviations				
	Existing Zones				
	RCR	B	LI	NB	R20E
Water Supply Protection District (§ 650-24)	Y	Y	Y	Y	Y
Convalescent and nursing homes	N	N	N	N	N
Industrial Uses					
Airports and heliports	N	N	Y	N	N
Newspaper printing and publishing, job printing	N	N	Y	N	N
Manufacturing where the majority of items are sold on premises to the consumer	N	N	N	N	N
Transportation terminal and freight depots	N	N	SP	N	N
Food processing plants	N	N	N	N	N
Research, experimental labs (33)	N	N	Y	N	N
Bakery (nonretail)	N	N	N	N	N
Light non-nuisance manufacturing	N	N	Y	N	N
Light manufacturing, using portable electric machinery (34)	N	N	N	N	N
Light manufacturing incidental to research	N	N	Y	N	N
Associated/accessory research uses (35)	N	N	SP	N	Y
Manufacturing and/or warehousing (36)	N	N	Y	N	N
Manufacturing or warehouse (37)	N	N	N	N	N
Retail sales accessory to manufacturing (38)	N	N	N	N	N
Recreation center, indoor and outdoor	N	SP	SP	SP	SP
Power laundries	N	N	N	N	N
Dry cleaning	N	Y	N	N	SP
Dye works	N	N	N	N	N
Packaging or bottling plants	N	N	N	N	N
Electric power substation for changing bulk power to distribution voltage	N	N	SP	N	N
Accessory uses and service buildings (39)	N	N	Y	N	SP
Large tract development (40)	N	N	N	N	N
Data storage/telecommunications facilities	N	N	Y	N	N

EXHIBIT B

ZONING
650 Attachment 2
08 - 13 - 2019

Excerpt of Dimensional Regulations, including Route 20 East – ALL ZONING DISTRICTS ARE NOT SHOWN

City of Marlborough

Table of Lot Area, Yards, and Height of Structures

(§ 650-41)

[Amended 12-1-2014 by Ord. No. 14-1005947C; 12-19-2016 by Ord. No. 16-1006667D]

Existing Zones	District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Maximum Lot Coverage
	R20E	5,000 square feet	50	25	30	25	52 feet (by-right) 85 feet** (by special permit)	80%

MARLBOROUGH CODE

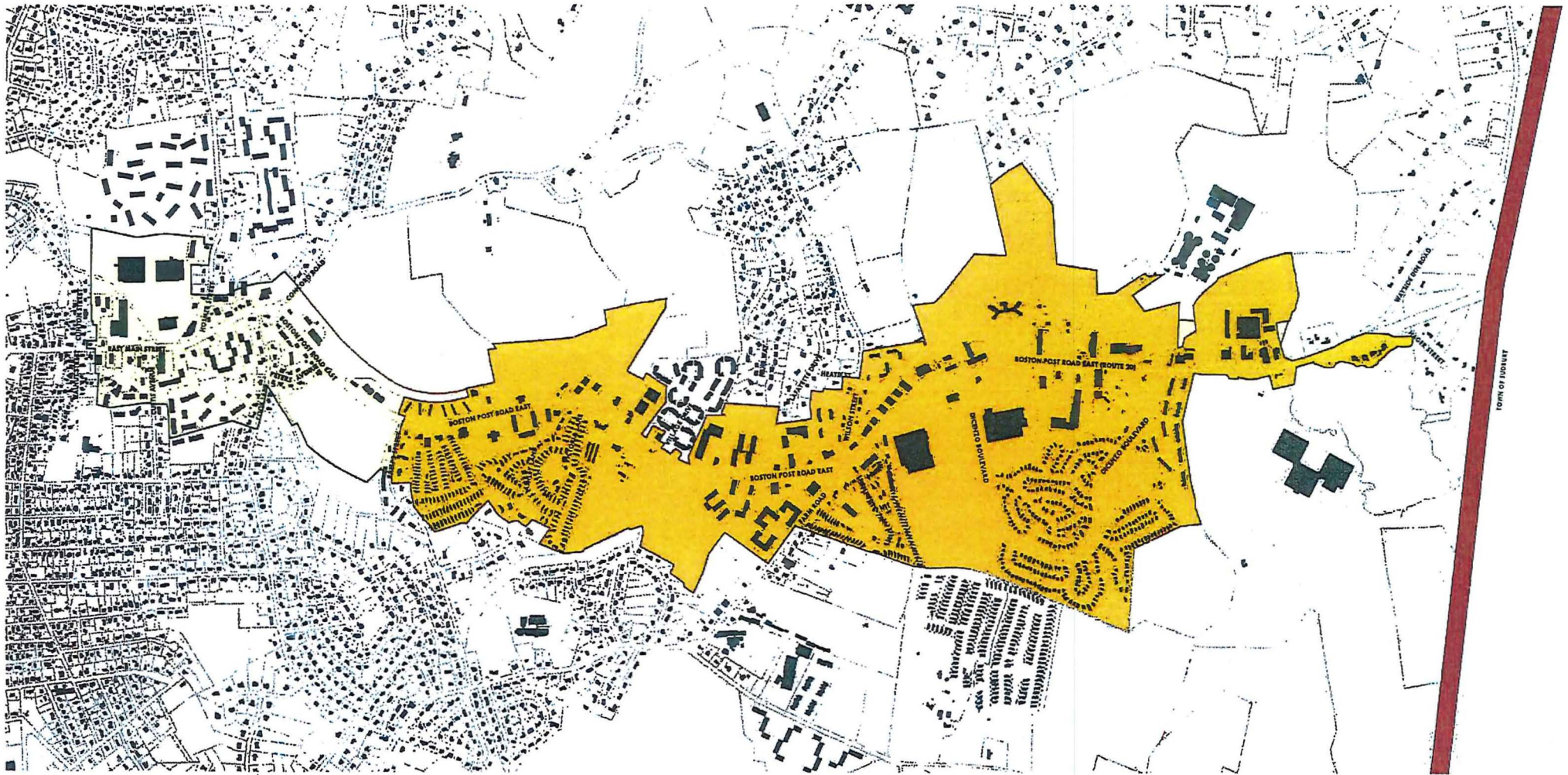
NOTES:

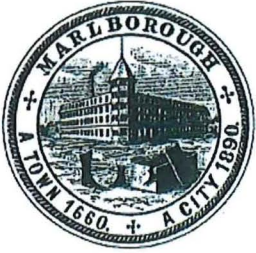
- ¹ Note deleted.
 - ² Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
 - ³ Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure's lot line; otherwise 0 feet.
 - ⁴ Except where abutting a residence district, shall be 50 feet.
 - ⁵ Except for buildings extending through a block or to a railroad siding.
 - ⁶ For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.
 - ⁷ However, this frontage need not be contiguous.
 - ⁸ No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.
 - ⁹ Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.
 - ¹⁰ Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.
 - ¹¹ Maximum lot coverage for a Large Tract Development Lot shall be 50%.
 - ¹² Within the Marlborough Village District, special permits may allow for an increase in height to 80 feet; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet. (See § 650-33F.)
 - ¹³ Within the Marlborough Village District, special permits may allow for an increase in lot coverage.
 - ¹⁴ Except along the following streets in the Marlborough Village District where zero-foot setback is allowed by right: Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.
 - ¹⁵ Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.
- *15 ft for structures under 35 ft; increases to 25 ft for taller structures
- **The special permit height of 85 feet shall step down to 52 feet when the building is within 50 feet setback from a property line that abuts a residential district.

MAP FOR REFERENCE ONLY

City of Marlborough

Proposed Route 20 East Zoning District (R20E) - Option 2 Phelps Street





City of Marlborough

Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

October 2, 2019

Edward J. Clancy, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

P/H - 10/25/19
Advise
Planning
2/A

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Re: Proposed Zoning Amendment - Route 20 East Zoning District

2019 OCT -2 P 4:47

Dear Honorable President Clancy and Councilors:

At the request of Councilor Joseph Delano, enclosed please find a proposed zoning ordinance amendment relative to the creation of a Route 20 East Zoning District.

I have reviewed the proposed amendment and it is in proper legal form. Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Jeffrey Cooke, Building Commissioner



City of Marlborough
Department of Public Works

135 NEIL STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. 508-624-6910
 *TDD 508-460-3610

JOHN L. GHILONI
 COMMISSIONER

October 16, 2019

Dr. Barbara L. Fenby, Chairwoman - Marlborough Planning Board
 c/o Krista Holmi – Planning Board Administrator
 135 Neil Street
 Marlborough, MA 01752

RE: ANR - Map 103 Parcel 12 (#23 Larose Drive) o/b The Ditullio Irrevocable Trust
Map 103 Parcel 38 o/b Paul A. Ditullio & Filomena M. Connor
Map 103 Parcel 40 o/b Filomena M. & Paul M. Connor
Map 103 Parcel 42 (#297 Desimone Drive) o/b Filomena M. & Paul M. Connor

Dear Dr. Fenby,

Pursuant to the request of the Marlborough Planning Board at the meeting held on October 7, 2019, I have reviewed the following ANR plan submission dated September 16, 2019 and revised on October 16, 2019:

PLAN OF LAND IN
 MARLBOROUGH, MA

PREPARED FOR:
 THE DITULLIO IRREVOCABLE TRUST
 PAUL A. DITULLIO & FILOMENA M. CONNOR
 FILOMENA M. & PAUL M. CONNOR

PREPARED BY:
 CONNORSTONE ENGINEERING, INC.
 10 SOUTHWEST CUTOFF, SUITE 7
 NORTHBOROUGH, MA 01532

The purpose of the plan is to realign the property lines of four existing parcels:

- Map 103 Parcel 12, a 5.62-acre lot containing a house (#23 Larose Drive) and a barn with a total of 152.75 feet of frontage on Larose Drive,
- Map 103 Parcel 38, a 38,725 square feet vacant lot with a total of 309.78 feet of frontage on Desimone Drive,
- Map 103 Parcel 40, a 37,380 square feet vacant lot with a total of 190.00 feet of frontage on Desimone Drive,
- Map 103 Parcel 42, a 36,883 square feet lot containing a house (#297 Desimone Drive) and a detached garage with a total of 190.27 feet of frontage on Desimone Drive,

THEODORE L. SCOTT, P.E.
 ASST. COMMISSIONER, OPERATIONS

THOMAS DIPERSIO, P.E., P.L.S.
 CITY ENGINEER

in order to create an additional buildable lot and to correct encroachment of the existing driveway for #23 Larose Drive and an existing basketball court for #297 Desimone Drive.

Lot-1, as shown on the plan, is a combination of 10,644 square feet from Map 103 Parcel 38 and 13,720 square feet from Map 103 Parcel 12 to create a 24,364 square foot lot with a total of 150.00 of frontage on Desimone Drive.

Lot-2, as shown on the plan, is a combination of 2,078 square feet from Map 103 Parcel 40, 22,134 square feet from Map 103 Parcel 38 and 46 square feet from Map 103 Parcel 12 to create a 24,258 square foot lot with a total of 198.78 of frontage on Desimone Drive.

Lot-3, as shown on the plan, is a combination of 27,904 square feet from Map 103 Parcel 40 and 950 square feet from Map 103 Parcel 38 to create a 28,854 square foot lot with a total of 151.00 of frontage on Desimone Drive.

Lot-4, as shown on the plan, is a combination of 230,845 square feet from Map 103 Parcel 12, 4,996 square feet from Map 103 Parcel 38 and 4,071 square feet from Map 103 Parcel 40 to create a 239,913 square foot (5.5 acres) lot with a total of 152.75 of frontage on Larose Drive. This plan also creates an Access and Egress Easement over Lot-1 and Lot-2 to correct a driveway encroachment for Lot-4.

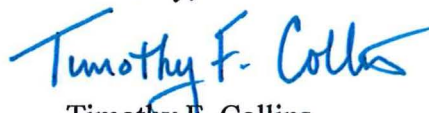
Lot-5, as shown on the plan, is a combination of Map 103 Parcel 42, containing 36,883 square feet having 190.27 feet of frontage on Desimone Drive and 3,426 square feet from Map 103 Parcel 40 to create a 40,212 square foot lot with a total of 190.27 of frontage on Desimone Drive. The additional land added to this parcel corrects the encroachment of a basketball court on Map 103 Parcel 40.

The five lots shown on this plan meet the zoning requirements for frontage, area, Lot Shape and meet the criteria for present adequate access for properties in a Residence A-1 zone. The existing houses on Lot-4 and Lot-5 meet the required building setbacks for front, rear and side lot lines for the zoning district for Residence A-1, as does the ancillary structure (barn) on Lot-4.

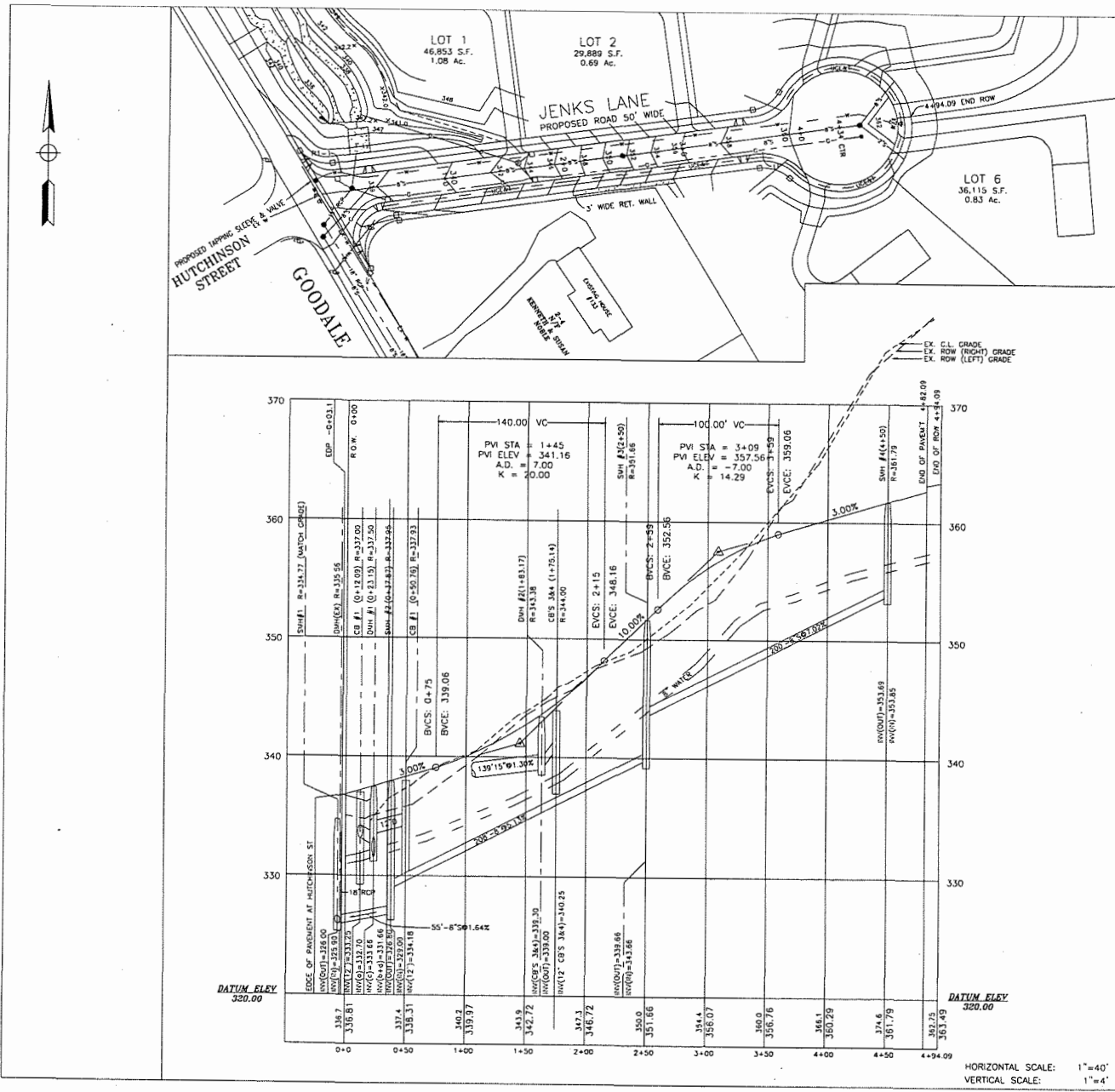
After completing my review of the subject plan, I am in a position to give a favorable recommendation to the Marlborough Planning Board to endorse this plan.

Should you have any questions regarding this matter, please do not hesitate to contact me at (508) 624-6910.

Sincerely,


Timothy F. Collins,
Assistant City Engineer

cc: John L. Ghiloni - DPW Commissioner.
Thomas DiPersio, Jr., P.E., P.L.S. - City Engineer
Paul Ditullio
Filomena and Paul Connor



- NOTES:
- 1.) THE CONTRACTOR SHALL OBTAIN APPROVAL FROM THE TRAFFIC COMMISSION FOR THE CROSSWALKS AND STOP SIGN SHOWN.
 - 2.) NOTE THAT DESIGN ELEMENTS ARE SUBJECT TO CHANGE IF A GRANT OF WAIVER IS MADE.

FOR REGISTRY USE

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE MARLBOROUGH PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE, AND, NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RE-CORDING OF SAID NOTICE.

DATE: _____
CITY CLERK: _____

APPROVED BY THE MARLBOROUGH PLANNING BOARD SUBJECT TO ITS SUBDIVISION REGULATIONS, DATE AND COVENANT TO BE RECORDED HERewith.
MARLBOROUGH PLANNING BOARD:

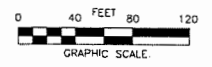
DATE APPROVED: _____
DATE SIGNED: _____

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE _____ REG. LAND SURVEYOR _____

LEGEND	
⊙ ⊙	Sewer & Drain (ex.)
—	Manhole Locations
— 6" AC —	Sanitary Sewer Line (ex.)
□	Catch Basin (ex.)
— 18" —	Drain Line (ex.)
— OH —	Overhead Electric Wire (ex.)
— U —	Utility Pole (ex.)
⊙	Light Pole (prop.)
⊙	Gate Valve, Hydrant & Water Shutoff (ex.)
— W —	Water Line (ex.)
— G —	Gas Service (ex.)
— 12" —	Drain (prop.)
— 8" —	Sewer (prop.)
— W —	Water (prop.)
— U —	Underground Elec. & Tel. (prop.)
—	Sloped Granite Curb
⊘	Stone Wall

HORIZONTAL SCALE: 1"=40'
VERTICAL SCALE: 1"=4'



NO.	DATE	REVISION	BY

PREPARED BY:
BRUCE SALUK & ASSOC., INC.
CIVIL ENGINEERING & LAND SURVEYING
100 WEST STREET
MARLBOROUGH, MA 01752
TEL: 508-485-1862
FAX: 508-481-9925

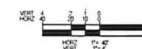
DEFINITIVE
GRADING & EROSION CONTROL
—
GOODALE ESTATES —
MARLBOROUGH, MA

PREPARED FOR:
PAUL & ALEX RICCARDI
100 WEST STREET
QUINCY, MA 02269
TEL: 617-718-2557

DATE: JULY 19, 2016
C2
FILE: 263751.dwg



1. THE PLAN HAS BEEN PREPARED USING REFERENCES PROVIDED BY THE CLIENT AND SERVES AS BASE INFORMATION WHICH INCLUDES DESIGN DOCUMENTS TITLED "DEFINITIVE SITE PLAN" HAS BEEN PREPARED BY BRUCE SALKIN & ASSOCIATES AND DATED 7/20/04. AS THE BASE INFORMATION HAS NOT BEEN PROVIDED BY SAUER ENGINEERING, THE FIRM IS NOT LIABLE FOR ANY ERRORS, OMISSIONS, DEFICIENCIES AND/OR INACCURACIES FROM THE USE OF THE BASE INFORMATION.
2. DESIGN MODIFICATIONS AND REVISIONS SUGGESTED AND PROVIDED BY PAUL RICCARDI ON 10/26/05 VIA EMAIL, CORRESPONDENCE, AND HAND SKETCH.



REVISIONS			
REV	DATE	COMMENT	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	W191210
DRAWN BY:	ZAR
CHECKED BY:	JM
DATE:	10/18/2011
SCALE:	AS NOTED
CAD I.D.	W19121001

PROJECT:

PREPARED

—FOR—

NORTHBOROUGH

REALTY

HOLDINGS,

LLC

LOCATION OF SITE

GOODALE STREET

TOWN OF MARLBOROUGH

MIDDLESEX COUNTY,

MASSACHUSETTS

 **BOHLER**
ENGINEERING

352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

Phone: (508) 480-9900
Fax: (508) 480-9080

www.BohlerEngineering.com

DRAFT: 10/15/19

SHEET TITLE:

JENKS LANE PROFILE

SHEET NUMBER:

P-101

REV 9 - 10/16/2019



**Know what's below.
Call before you dig.**



4 Courthouse Lane, Suite 16
Chelmsford, MA 01824
978-934-9000
kgillis@northborocaptital.com

October 16, 2019

Via: [Email- kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)
U.S. Postal

Chairperson Fenby
City of Marlborough
Planning Board Administration Office
135 Neil Street
Marlborough, MA 01752

**RE: Goodale Estates Subdivision
Goodale Street
Marlborough, Massachusetts**

Dear Chairperson Fenby:

The expiration of the Board's subdivision approval is November 24, 2019. Northborough Capital Partners, LLC, as the present owner of the subject parcel, is hereby requesting a one (1) year extension of the approval.

For your review, I have included a confirmation of the site's blight status from Code Enforcement Officer Wilderman, confirmation that the property is in tax compliance from the Collector's Office as well as a new subdivision completion schedule.

Sincerely,

A handwritten signature in black ink, appearing to be "Kevin A. Gillis".

Kevin A. Gillis
Managing Director

City of Marlborough
Commonwealth of Massachusetts



Pamela A. Wilderman
Ethan Lippitt
Code Enforcement
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 (x30201)
Fax: (508) 460-3736
Email: pwilderman@marlborough-ma.gov
elippitt@marlborough-ma.gov

October 16, 2019

Barbara L. Fenby, Chairperson
Marlborough Planning Board
140 Main Street
Marlborough, MA 01752

RE: Goodale Estates

Dear Chairperson Fenby and Members:

Please be advised that a recent inspection of the above named subdivision shows that the condition of the area is that of a normal construction project without any outstanding blight issues.

As always, please feel free to contact this office if you have any questions or if we can be of any further assistance to you.

Sincerely,

Pamela A. Wilderman
Code Enforcement Officer

Cc: Kevin Gillis (via email)
File

From: Eileen Bristol
To: Krista Holmi
Subject: RE: Goodale Farm subdivision deed and Taxes Check
Date: Thursday, October 17, 2019 2:08:21 PM

The Real Estate taxes for all parcels listed are current.

-----Original Message-----

From: Krista Holmi <kholmi@marlborough-ma.gov>
Sent: Thursday, October 17, 2019 2:03 PM
To: Eileen Bristol <ebristol@marlborough-ma.gov>
Cc: Jill Brodeur <jbrodeur@marlborough-ma.gov>
Subject: FW: Goodale Farm subdivision deed and Taxes Check

Hi Eileen,

The address that is shown on GIS for the parcels I listed below is "0" Jenks Ln.
Just checking to see if November taxes are now paid. The subdivision expiration is November 24. Before

Parcel # Owner Address

2-29

0 JENKS LN
NORTHBOROUGH CAPITAL PARTNERS LLC
Photo for 2-6

2-6

0 JENKS LN
NORTHBOROUGH CAPITAL PARTNERS LLC
Photo for 2-28

2-28

0 JENKS LN
NORTHBOROUGH CAPITAL PARTNERS LLC
Photo for 2-7

2-7

0 JENKS LN
NORTHBOROUGH CAPITAL PARTNERS LLC
Photo for 2-9

2-9

0 JENKS LN
NORTHBOROUGH CAPITAL PARTNERS LLC
Photo for 2-10

2-10

0 JENKS LN
NORTHBOROUGH CAPITAL PARTNERS LLC
Photo for 2-8

2-8

0 JENKS LN
NORTHBOROUGH CAPITAL PARTNERS LLC
Photo for 2-100

2-100

0 JENKS LN
NORTHBOROUGH CAPITAL PARTNERS LLC

-----Original Message-----

From: Krista Holmi



SUBDIVISION:		PROJECT LOCATION:				PROPOSED STREET NAME:				DATE:			
Seven Lot Residential		Goodale Street				Jenks Lane							
CONTRACTOR/DEVELOPER:		CONTACT PERSON:				TELEPHONE NUMBERS				Cell: 781-771-8519			
Goodale Estates LLC		Kevin Gillis				Office: 978-934-9000				Home:			
						E-Mail:				kgillis@northborocapital.com			
DESCRIPTION OF WORK		DURATION (days)											
Erosion control		SCHEDULED	Complete										
		ACTUAL											
Center line/ offsets		SCHEDULED	Complete										
		ACTUAL											
Clearing, grubbing		SCHEDULED	Complete										
		ACTUAL											
Excavation/subgrade		SCHEDULED	Complete										
		ACTUAL											
Blasting/ledge removal		SCHEDULED	Complete										
		ACTUAL											
Installation of Sewer Main		SCHEDULED	Complete										
		ACTUAL											
Installation of Sewer Manholes		SCHEDULED	Complete										
		ACTUAL											
Installation of Water Mains, Gates & Hydrants		SCHEDULED	Complete										
		ACTUAL											
Installation of Drainage - Reinforced Concrete Pipe		SCHEDULED	Complete										
		ACTUAL											
Installation of Headwalls/Flared Ends		SCHEDULED	Complete										
		ACTUAL											
Installation of C.B's, Hoods MH and Subdrain		SCHEDULED	90% Complete										
		ACTUAL											
Detention Basin(s)		SCHEDULED	50% Complete										
		ACTUAL											
Installation of Tel./Gas/Cable/Elec.	4	SCHEDULED	Complete										
		ACTUAL											
Installation of 12-inch Gravel Base	3	SCHEDULED	25-Oct										
		ACTUAL											
Installation of Street Lights	1	SCHEDULED	1-Nov										
		ACTUAL											
Installation of Bituminous Concrete Base Course		SCHEDULED	8-Nov										
		ACTUAL											
Installation of Granite Curbing, Transitions & Inlets		SCHEDULED	15-Nov										
		ACTUAL											
Installation of Sidewalk Gravel	3	SCHEDULED	10-Nov										
		ACTUAL											
Installation of Bituminous Concrete Binder Sidewalks	1	SCHEDULED	15-Nov										
		ACTUAL											
Miscellaneous Clean up	3	SCHEDULED	30-Nov										
		ACTUAL											
Adjust Structures	3	SCHEDULED											
		ACTUAL											
Installation of Headwall(s)/ Flared End(s)		SCHEDULED	80% Complete										
		ACTUAL											

EXHIBIT "B"

Certificate of Release

Reference is made to that certain AGREEMENT (the "Agreement") dated December 7, 2015 between the City of Marlborough, by and through its Planning Board (the "Board"), Howe's Landing Developers, LLC ("the Developer") and Avidia Bank ("the Lender"), as amended, to secure construction of public ways and installation of municipal services in the Land as shown on the Definitive Subdivision Plan entitled "Howe's Landing" a Definitive Subdivision Plan in Marlborough, Massachusetts, Date: August 11, 2014, Prepared for: Chris Christopher, Sage Investors Inc., Prepared by: Thomas DiPersio, Jr. & Associates Inc.," which plan was last revised on November 26, 2014 and is recorded with the Middlesex South District Registry of Deeds as Plan Number 50 of 2015, and as described in a certain deed to Howe's Landing Developers, LLC recorded with said Registry in Book 65244, Page 455.

The Board, having determined that the Developer has sufficiently secured the construction of ways and installation of municipal services by another method provided in M.G.L. c. 41 § 81U, hereby releases the Developer and Lender from said Agreement and all obligations thereunder.

Executed this _____ day of _____ by

being a majority of the Planning Board.

Commonwealth of Massachusetts

Middlesex, SS.

On _____, before me, the undersigned Notary Public, personally appeared _____ one of the Members of the Planning Board of the City of Marlborough, Massachusetts, who represents the Planning Board, and proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

GALVANI LAW OFFICES, P.C.
Attorneys at Law

Paul V. Galvani

1881 Worcester Road, Suite 200
Framingham, MA 01701

Phone: (508) 626-3620

Fax: (508) 626-3649

pvg@galvanilawoffices.com

August 30, 2019

Marlborough Planning Board
Administrative Office, 135 Neil Street
Marlborough, MA 01752
ATT: Krista Holmi, Planning Board Administrator

RE: Howe's Landing Subdivision

Dear Krista,

On behalf of Howe's Landing Developers LLC, 1881 Worcester Road, Framingham, owner and developer of the Howe's Landing subdivision, this is to request that the amount of funds being secured by the Tripartite Agreement by and among Howe's Landing Developers, the City of Marlborough and Avidia Bank be reduced to zero and the Agreement be terminated. This is to also request that the City of Marlborough begin the process to have the roadway and municipal easements accepted by the Marlborough City Council.

This is to further request that this matter be placed upon the Planning Board Agenda for September 9. If anything further is required prior to the meeting kindly contact me.

Thank you.

Very truly yours,



Paul V. Galvani